

ORDINANCE NUMBER 1389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA ADDING CHAPTER 16.25 TO THE PERRIS MUNICIPAL CODE TO REGULATE ELECTRIC VEHICLE CHARGING STATIONS AND ESTABLISH PERMITTING PROCEDURES TO STREAMLINE THE PERMITTING PROCESS IN ACCORDANCE WITH ASSEMBLY BILL 1236

WHEREAS, the State has determined that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern; and

WHEREAS, the intent of the Legislature is that local agencies not adopt ordinances that create unreasonable barriers and not unreasonably restrict the installation of electric vehicle charging stations; and

WHEREAS, it is the policy of the State to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use; and

WHEREAS, the intent of the Legislature is that local agencies would minimize the cost of permitting for charging stations, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations; and

WHEREAS, the State has adopted Assembly Bill 1236, requiring local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

WHEREAS, it is in the interest of the health, safety, and welfare of the residents of the City to provide an expedited, streamlined permitting process for electric vehicle charging stations, in accordance with the requirements of AB 1236; and

WHEREAS, on March 31, 2020, the City Council conducted a duly, noticed public hearing on the proposed amendments, considered testimony and materials in the findings, accompanying documents and exhibits; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all project meetings and hearings.

THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. The City Council of the City of Perris hereby finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

Section 3. Title 16 of the City of Perris Municipal Code is hereby amended to add Chapter 16.25 to read as follows:

CHAPTER 16.25 – Electric Vehicle Charging Stations –

Section 16.25.010 - Purpose.

Section 16.25.020 - Definitions.

Section 16.25.030 - Expedited Permitting Process.

Section 16.25.040 - Permit Application Processing.

Section 16.25.050 - Technical Review.

Section 16.25.060 - Electric Vehicle Charging Station Installation Requirements.

Section 16.25.010 - Purpose.

The purpose of this Chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations.

Section 16.25.020 - Definitions.

- (a) “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (b) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (c) “Electronic submittal” means the utilization of one or more of the following:
 - a. Electronic mail or email.
 - b. The internet.
 - c. Facsimile.

Section 16.25.030– Expedited Permitting Process.

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist shall be published on the City’s website.

Section 16.25.040 – Permit Application Processing.

- (a) Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
- (b) A permit application that satisfies the information requirements in the City’s adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meets the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- (c) Consistent with Government Code Section 65850.7, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentation. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

Section 16.25.050 – Technical Review.

- (a) It is the intent of this Ordinance to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official’s authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this Chapter, the City may require the applicant to apply for a use permit.
- (b) In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

Section 16.25.060 – Electric Vehicle Charging Station Installation Requirements.

- (a) Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
- (b) Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- (c) Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- (d) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

Section 4. Based upon the information contained within the supporting exhibits, with respect to Ordinance Amendment 20-05048, the City Council finds the following geologic conditions that require compliance with energy efficiency standards for building construction justify modifications to the California Building Code Standards:

- a) The City is subject to relatively low amounts of precipitation, very low humidity levels and extremely high temperatures. These climatic conditions are conducive to the spread of fire. For example, during July, August and September, temperatures often exceed 100 degrees Fahrenheit. During the same months' humidity is usually less than 40% and humidity measurements less than 10% are not uncommon. These conditions contribute to an increased likelihood of fire. Moreover, minor fires have a greater tendency of spreading rapidly due to such conditions.
- b) The City is subject to extremely strong winds, commonly referred to as the "Santa Ana Winds", which reach speeds in excess of 80 miles per hour. Extensive damage often occurs during such winds including downed trees, utility poles, utility circuits and utility service lines. These adverse conditions can cause (1) fires, (2) impairment to emergency apparatus access, (3) delays in response times of emergency apparatus: and (4) the depletion of apparatus readily available for fire suppression activities. These windstorms commonly last from three to seven days.
- c) The City's neighboring foothills create a unique fire hazard. This is because fire Service is provided by both the County of Riverside and the California Division of Forestry. Fire units from both Fire Departments are often sent to assist in the extinguishment of fast-moving and wind-assisted fires in the neighboring foothills.

- d) The City is located in an area, which due to its climate, geology, and topography is highly susceptible to fires, strong winds, low precipitation and seismic activity making necessary the adoption of additional requirements to ensure the City's residential, commercial, and industrial building stock is designed, preserved and maintained in such a condition as to protect the safety of its residents.
- e) The City is located in Southern California, in an extremely active seismic region, with high levels of historic earthquake activity in the recent past and can be expected to experience significant strong seismic activity within the foreseeable future.

Section 5. That for the foregoing reasons the City Council hereby approves Ordinance Amendment 20-05048 finding that it is necessary to amend the City's Municipal Code, by adding new sections for the inclusion of an expedited review and approval process for Electric Vehicle Charging Stations to meet the requirements of Assembly Bill 1236.

Section 6. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 8. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 14th day of April, 2020.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1389 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council held on the 31st day of March, 2020 adopted by the City Council of the City of Perris at a regular meeting of said Council on the 14th day of April, 2020, and that it was so adopted by the following vote:

AYES: CORONA, RABB, ROGERS, MAGAÑA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Nancy Salazar, City Clerk

Attachments: Electric Vehicle Permitting Checklist
Electric Vehicle Handout